

Applicant's Response

In the applicant's response for application 10/532,936 dated December 23, 2009, the applicant did not amend any claims and argued against all the rejections and objections. The application is a 371 of PCT/JP03/15824 dated 12/10/2003. The Assignee is Sharp.

Based upon the arguments set forth by applicant, the 102 and 103 rejections set forth in the Final Rejection dated 10/28/2009 are withdrawn and prosecution is reopened.

Claims 61-66, as originally filed, are currently pending and have been considered below. Claim 61 is an independent claim.

Priority

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 61-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Ching et al (US 7,260,785; Patent Issue Date: Aug 21, 2007; Patent Filing Date: Jan 29, 2001; Assignee: IBM; hereafter Ching).

Claim 61:

Ching discloses:

a recording medium recording multimedia contents data having a data structure, which is processed in a data processing device that includes a reproducing unit for reproducing media data and an inputting unit for receiving an input operation from a user, and which includes: (pre-amble) (Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that the system transmits and broadcasts video to remote audiences. Ching discloses "reproducing media data" in that the national broadcasters send video to the remote audiences. Ching discloses "input operation from a user" in that local stations can manually input with respect to certain time slots.)

a reproduction describing unit for showing media data that is reproduced in said reproducing unit of said data processing device; (limitation 1) (Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that an audience can see the media data on their television sets.)

an input operation describing unit for showing an input operation that is received by said inputting unit of said data processing device and a process that corresponds to said input operation; (limitation 2) (Abstract; Fig.1; Col 2, Line 54 -

Col 3, Line 59 → Ching discloses this limitation in that local stations can manually input with respect to certain time slots. The broadcasters may choose to have the program stream sent via terrestrial links (ethernet, token ring, etc.) while the spot insertion is sent via satellites or vice versa.)

and a schedule describing unit for managing time of effect of said media data that is reproduced in said reproducing unit of said data processing device and time of effect of said input operation that is received by said input unit, (limitation 3)

(Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations can manually input with respect to certain time slots. A zone, defined by cable or network operators in an area, sells a commercial in the local availability time. All receivers that are within the zone air local spots for that zone at that scheduled time.)

wherein said multimedia contents data is processed so that predetermined media data is reproduced in said reproducing unit of said data processing device at a predetermined time on the basis of said schedule describing unit, (limitation 4)

(Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations can manually input with respect to certain time slots. A zone, defined by

cable or network operators in an area, sells a commercial in the local availability time.
All receivers that are within the zone air local spots for that zone at that scheduled time.)

a predetermined input operation is received by said inputting unit of said data processing device at said predetermined time, (limitation 5) (Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations may insert their local ads at an allotted time.)

and said data processing device carries out a process that corresponds to said predetermined input operation at said predetermined time on the basis of said input operation describing unit. (limitation 6) (Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations may insert their local ads at an allotted time. After the local ads, the system then continues to broadcast national programs.)

Claim 62:

Ching discloses the recording medium recording multimedia contents data having a data structure according to claim 61, wherein said process that corresponds to said input operation received by said input unit of said data processing device is a process for adding a change to said multimedia contents data. (Abstract; Fig.1;

Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations may insert their local ads at an allotted time.)

Claim 63:

Ching discloses the recording medium recording multimedia contents data having a data structure according to claim 62, wherein said process for adding said change to said multimedia contents data is a process for replacing a portion of said multimedia contents data. (Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations may insert their local ads at an allotted time. The empty time slots are being replaced with local ads.)

Claim 64:

Ching discloses the recording medium recording multimedia contents data having a data structure according to claim 62, wherein said process for adding said change to said multimedia contents data is a process of adding data that is obtained by replacing a portion of said multimedia contents data to said contents data. (Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations may insert their local ads at an allotted time. The empty time slots are being replaced with local ads.)

Claim 65:

Ching discloses the recording medium recording multimedia contents data having a data structure according to claim 62, wherein said process for adding said change to said multimedia contents data is a process for adding data that is obtained by replacing a portion of said multimedia contents data in a predetermined subsequent process to said multimedia contents data. (Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations may insert their local ads at an allotted time. The empty time slots are being replaced with local ads.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ching, in view of Morris et al (US 5,862,372; Patent Issue Date: Jan 19, 1999; Patent Filing Date: Nov 16, 1994; hereafter Morris).

Claim 66:

Ching discloses the limitations of Claim 61.

Ching does not appear to explicitly disclose **wherein said multimedia contents data is data that is described in script language.**

Morris discloses **wherein said multimedia contents data is data that is described in script language.**(Figs 3-5; Col 3, lines 28-61 → Morris discloses this limitation in that objects on the GUI are implemented in script language.)

Ching and Morris are analogous art because they are from the same field of endeavor of media broadcasting.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Ching and Morris before him or her, to incorporate a system that allows metadata to be added in scheduled time slots, as disclosed by Ching, with a

media sequence editor that uses script, as disclosed by Morris. Since Ching discloses a MPEG-2 files that are broadcasted and then locally edited for ads by a computer, and since these files can be transmitted and streamed on a web, it would be obvious to one of ordinary skill in the art to combine the references because it is well known for script to be used on the web.

The motivation for doing so would have been to allow media to be edited during run-time.

Therefore, it would have been obvious to combine Ching with Morris to obtain the invention as specified in the instant claim.

Response to Arguments

Claim (61-65) Rejection under 35 USC ~ 102(b)

Applicant's arguments, see pages 2-3, filed December 23, 2009, with respect to the rejection(s) of claim(s) 61-65 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ching.

Claim (66) Rejection under 35 USC ~ 103(a)

Claim 66 is a dependent on independent Claim 61; claim 66 (dependent claim) is rejected by Ching in view of Morris because the prior art reads on the claim limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOUMYA DASGUPTA whose telephone number is (571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/DOUG HUTTON/
Supervisory Patent Examiner, Art Unit 2176